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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 CESAR GARCIA-RODRIGUEZ,
12 Petitioner,
13 v.
14 HUTCHING, et al.,
15 Respondents.
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Case No. 2:21-cv-00552-KJD-NJK

ORDER


17 This is a habeas corpus action under 28 U.S.C. § 2254. Previously, the court reviewed the
18 petition and determined that it was untimely under 28 U.S.C. § 2244(d)(1). ECF No. 7. The
19 court gave petitioner the opportunity to show cause why the court should not dismiss the action.
20 Id. Petitioner has not responded. The court thus will dismiss the action as untimely.

21 Reasonable jurists would not find the court's determination to be debatable or wrong, and
22 the court will not issue a certificate of appealability.

23 IT THEREFORE IS ORDERED that this action is **DISMISSED** with prejudice as
24 untimely. The clerk of the court is directed to enter judgment accordingly and to close this action.

25 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

26 DATED: August 12, 2021

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28 **KENT J. DAWSON**
United States District Judge